

I. Federal Offshore Lands

The Submerged Lands Act (SLA) of 1953 grants the States rights to the natural resources of the submerged lands from the coastline to no more than 3 nautical miles (5.6 km) into the Atlantic, Pacific, the Arctic Oceans, and the Gulf of Mexico except the coastal waters of Texas and western Florida, where State jurisdiction extends from the coastline to no more than 3 marine leagues (16.2 km) into the Gulf of Mexico. The SLA also reaffirmed the Federal claim to the Outer Continental Shelf (OCS), which consists of those submerged lands seaward of State jurisdiction.

The SLA led to the passage of the Outer Continental Shelf Lands Act in 1954 (OCSLA). The OCSLA and subsequent amendments in 1978 and 1985 provide for Federal jurisdiction over the submerged lands of the OCS. Additionally, it authorizes the Secretary of the Interior to lease those lands for mineral development. Note that the legal OCS includes submerged lands that are not part of the geological OCS.

On March 10, 1983, U.S. President Ronald Reagan signed Proclamation 5030 (3 CFR 22), which set up the U.S. Exclusive Economic Zone (EEZ). The EEZ consists of those areas adjoining the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, and U.S. overseas territories and possessions. The EEZ extends up to 370 km (200 nmi) from the coastline. About 15 percent of this area lies on the geologic continental shelf and is shallower than 200 m (656 ft). Another 10 to 15 percent lies on the continental slope and rise, between 200 and 2,000 m (656 and 6,562 ft) water depth. The remaining 70–75 percent is abyssal plain where water depths reach 3,000–5,000 m (9,843–16,405 ft).

Leasing of Federal lands and their subsequent development have made the OCS a major source of the Nation's supply of crude oil and natural gas. Offshore operators also produce salt and sulphur from OCS leases, and investigations continue into the possibility of the OCS becoming a source of other nonfuel minerals (i.e., sand and gravel, phosphorite, manganese, gold, tin, titanium, and platinum).



The Oil Pollution Act of 1990 (OPA 90) gave the Secretary of the Interior authority over offshore facilities and associated pipelines, with the exception of deepwater ports, for State and Federal offshore waters. The Secretary in turn delegated this OPA 90 authority to MMS. The resulting tasks for MMS include the following:

- enforcing spill prevention measures,
- reviewing spill response plans,
- inspecting spill containment and cleanup equipment,
- reviewing spill financial liability limits, and
- certifying spill financial responsibility.

While the OCSLA and OPA 90 define MMS jurisdiction and regulatory responsibility on Federal offshore lands, other Federal laws play a significant role in the management of offshore operations. Some of those laws are the

- National Environmental Policy Act of 1970 (NEPA) requires a detailed environmental review before any major or controversial Federal action.
- Clean Air Act of 1970 (reauthorized in 1990) (CAA) regulates the emission of air pollutants from industrial activities.

- Coastal Zone Management Act of 1972 (CZMA, reauthorized in 1990) - The CZMA requires State review of Federal action that affects the land and water use of the coastal zone.
- Clean Water Act of 1977 (CWA) - The CWA, through the issuance of National Pollutant Discharge and Elimination System permits, regulates the discharge of toxic and nontoxic pollutants into the surface waters of the United States.
- Federal Oil and Gas Royalty Management Act of 1982 (FOGRAMA) - The FOGRAMA requires that oil and gas facilities be built in a way that protects the environment and conserves Federal resources.
- Marine Mammals Protection Act of 1972 (MMPA) - The MMPA provides for the protection and conservation of all marine mammals and their habitats.

- Endangered Species Act of 1973 (ESA) - The ESA requires a permit for the taking of any protected species. It also requires that all Federal actions not significantly impair or jeopardize protected species or their habitats.
- OCS Lands Act Amendments to Section 8(g) passed as part of Budget Reconciliation. Distributed funds in escrow to the federal Government and affected States.

Table 1-1 shows the areal extent of both the State offshore waters and the Federal OCS. The MMS divides the Federal waters of the OCS into four regions: the Atlantic OCS, the Gulf of Mexico OCS, the Pacific OCS, and the Alaska OCS. Table 1-2 gives the areal extent of the EEZ.